

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE: GOOGLE DIGITAL ADVERTISING
ANTITRUST LITIGATION
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THIS DOCUMENT RELATES TO:

SPX Total Body Fitness LLC, d/b/a The
Studio Empower, on behalf of itself and all
others similarly situated,

Plaintiff,

and

SKINNYSCHOOL LLC d/b/a MARIA
MARQUES FITNESS and MINT ROSE DAY
SPA LLC, on behalf of themselves and all
others similarly situated,

Plaintiffs,

vs.

GOOGLE LLC,

Defendant.
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*Doc 404 shall
remain sealed.*

*File new redacted
Consolidated Amended
Complaint within 7 days.*

21-md-3010 (PKC) *SO ORDERED*

*J. J. Smith
USDJ
12-6-22*

1:21-cv-06870-PKC

1:21-cv-07045-PKC

**REQUEST TO REMOVE OR FORMALLY SEAL FILING PURSUANT TO
ELECTRONIC CASE FILING RULES AND INSTRUCTIONS §§ 13.26 & 21.7**

Plaintiffs SPX Total Body Fitness LLC, d/b/a The Studio Empower, Mint Rose Day Spa LLC and SkinnySchool LLC., d/b/a Maria Marques Fitness (together, the "Plaintiffs") respectfully request that the Court enter an Order directing the Southern District of New York ECF Help Desk remove a redacted document filed in error and currently under temporary seal. In support of this request, Plaintiffs state as follows:

1. Plaintiffs filed the Consolidated Amended Class Action Complaint on December 2, 2022, pursuant to this Court's Order of November 18, 2022. *See* ECF No. 392 (Order permitting filing of amended complaint); ECF No. 404 (filed complaint).

2. Because the complaint contained quotes from documents produced in discovery and designated confidential or higher by Defendant Google LLC pursuant to the governing protective order (ECF No. 297), Plaintiffs filed a motion to seal portions of the complaint and then filed redacted and under seal versions of the complaint. *See* ECF No. 403 (motion to seal with accompanying Exhibit A); ECF No. 404 (filed redacted complaint); ECF No. 405 (notice of under seal complaint).

3. After filing, still on December 2, 2022, Plaintiffs received correspondence from counsel for Meta Platforms, Inc. f/k/a Facebook, Inc., that certain names of Meta employees should also have been redacted. Specifically, Plaintiffs reference two Meta employees in paragraph 215 of the Consolidated Amended Class Action Complaint that this Court previously ordered remain under seal in prior complaints. *See* ECF No. 195 (paragraph 420 of States' complaint naming same employees); ECF No. 186 (Court order permitting those names to remain under seal).

4. As a result, the undersigned counsel immediately contacted the Help Desk and the ECF Error email account for the Southern District of New York pursuant to sections 13.26 and 21.7 of the SDNY Electronic Case Filing Rules and Instructions to request that ECF No. 404 be removed as incorrectly filed, or sealed pending a Court order permitting removal. That email was sent the evening of December 2, 2022; the ECF Help Desk confirmed that the entry had been placed under emergency seal immediately after opening on December 5, 2022.

5. In addition, Plaintiffs immediately filed a corrected redacted complaint on the public docket that redacts the information produced and designated confidential by Google LLC

pursuant to the operative protective order as well as the redaction of the two names requested by Meta Platforms, Inc., such that an appropriately redacted complaint is currently present on the public docket. ECF No. 406.

6. Plaintiffs believe that the incorrectly redacted version of Plaintiffs' Consolidated Amended Class Action Complaint (ECF No. 404) should thus be removed from the docket or remain under permanent seal given this Court's prior order. ECF No. 186. As a result, Plaintiffs respectfully request that the Court order such relief.

Dated: December 5, 2022

Respectfully submitted,

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